

### **Remarks**

Claims 1-31 are pending in this application. By this paper, Applicant has amended claims 3-5 and 7, and added new claims 32 and 33.

Added claims 32 and 33 are claims of varying scope in this application. Moreover, Applicant believes that added claims 32 and 33 overcome any 35 U.S.C. § 112 or 35 U.S.C. § 102(b) rejections made by the Examiner in the corresponding Office Action.

Applicant acknowledges the Examiner's statement regarding the Information Disclosure Statement set forth in paragraph 8 of this Office Action. Applicant has resubmitted the references not considered by the Examiner by electronic filing.

#### **Rejection of Claims 3-5 and 7 Under 35 U.S.C. § 112**

The Examiner has rejected claims 3-5 and 7 under 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claims 3-5 to overcome the rejection. Applicant believes the amended claims now distinctly claim the subject matter. In lieu of changes made by Applicant, dependent claim 7 is also believed to be patentable.

#### **Rejection of Claims 3 and 4 Under 35 U.S.C. § 102(b)**

The Examiner has rejected claims 3 and 4 under 35 U.S.C. § 102(b) as being unpatentable over *McColgan* (U.S. Patent No. 5,557,467). The Examiner directs Applicant's attention to Figures 1-15 of *McColgan*. Applicant agrees that Figure 1 of *McColgan* discloses a main viewing mirror 4, an auxiliary mirror 8 having a magnification of less than that of the main viewing mirror, and means 40 for selectively varying the intensity of the reflection from at least a portion of said mirror assembly. However, Applicant respectfully asserts that *McColgan* fails to teach the claimed feature of an "auxiliary mirror being shaped and positioned for primarily viewing a vehicle which is located in a driver's blindzone". The

auxiliary mirror 8, in *McColgan*, is a panoramic mirror which “provides a much wider rearward field of vision which overlaps to both sides with most person’s natural peripheral vision.” (Column 2, lines 44-46.) By definition, the auxiliary mirror-8, in *McColgan*, views not only a vehicle located in either of the blindzones, but views all other objects therebetween in the driver’s rearward field of vision which overlaps both sides of the driver’s natural peripheral vision. Applicant believes the *McColgan* invention makes no attempt to eliminate extraneous visual information by primarily viewing only the vehicle in the blindzone.

In order to anticipate independent claims 3 and 5, *McColgan* must teach every element and every limitation of independent claims 3. Therefore, Applicant contends that claims 3 and 5 are patentable over *McColgan* because *McColgan* fails to teach an “auxiliary mirror being shaped and positioned for primarily viewing a vehicle which is located in a driver’s blindzone”.

Claims 4 and 7 are dependent claims rejected under 35 U.S.C. § 102(b) and are believed to be patentable as a result of their dependency from an allowable independent claim.

For the reasons given above, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 102(b) rejection of the outstanding claims.

**Conclusion**

Applicant believes all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

**GEORGE E. PLATZER, JR.**

By 

John E. Nemazi

Reg. No. 30,876

Attorney/Agent for Applicant

Date: October 31, 2002

**BROOKS & KUSHMAN P.C.**

1000 Town Center, 22nd Floor

Southfield, MI 48075

Phone: 248-358-4400

Fax: 248-358-3351

Attachment

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

RECEIVED  
NOV - 8 2002  
TECHNOLOGY CENTER

3. (Amended) [A] An automotive mirror adapted for [automotive rearview application] use in outside rearview mirror applications comprising a main viewing mirror and an auxiliary mirror, said auxiliary mirror having a characteristic magnification less than that of said main viewing mirror, said auxiliary mirror being shaped and positioned for [viewing] primarily viewing a vehicle which is located in [the vehicle] a driver's blindzone, said automotive mirror having means for selectively varying the intensity of the reflection from at least a portion [of said mirror] thereof.

4. (Amended) The automotive mirror of claim 3, wherein said auxiliary mirror is located generally in an upper and outer quadrant of said automotive mirror.

5. (Amended) [A] An automotive mirror adapted for [automotive rearview application] use in outside rearview mirror applications comprising a main viewing mirror and an auxiliary mirror, said auxiliary mirror defining a reflective surface comprised of a planar array of reflecting facets simulating a convex mirror and having a characteristic magnification less than that of said main viewing mirror, said auxiliary mirror being shaped and positioned for [viewing] primarily viewing a vehicle which is located in [the vehicle] a driver's blindzone, said automotive mirror having means for selectively varying the intensity of the reflection from at least a portion [of said mirror] thereof, and said means for selectively varying the intensity of the reflection comprising an electrically modifiable medium intermediate a transparent front plate and a rear plate such that the intensity of the reflection [from said mirror] varies in response to an electrical signal applied to conductive coatings on said front plate and said rear plate.

7. (Amended) The automotive mirror of claim 5, wherein said planar array of reflecting facets is defined by the first surface of said rear plate.